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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE: ANTHONY CHARLES VOCCIA,

Case No. 09-33513-DOT
Chapter 7

Debtor.

**SECOND MOTION TO DEFER THE GRANTING OF THE DISCHARGE
AND TO EXTEND TIME TO FILE OBJECTION TO DISCHARGE
OR DISCHARGEABILITY OF DEBT AND NOTICE OF MOTION**

Wachovia Bank, National Association (“Wachovia”), by counsel, moves to defer the granting of the discharge of Anthony Charles Voccia (the “Debtor”) and to extend the time to file a complaint objecting to the discharge or to the dischargeability of certain debt to and including December 31, 2009, pursuant to Rules 4004 and 4007 of the Federal Rules of Bankruptcy Procedure, and states:

1. On June 2, 2009, the Debtor filed a petition for relief under Chapter 7 of the United States Bankruptcy Code.

2. The deadline to file a complaint to object to the granting of the discharge and/or to dischargeability of certain debt was originally August 31, 2009, but that date was extended to October 31, 2009 pursuant to the Court’s Order Deferring Discharge and Extending Time to File Objection to Discharge or Dischargeability of Debt [Docket No. 43].

3.

4. Pursuant to the Order Authorizing Examination of the Debtor and Compelling the Production of Documentary Evidence [Docket No. 53] an examination of the Debtor is scheduled for October 29, 2009.

5. The hearing on the Debtor's Motion to Convert Case to Chapter 13 ("Motion to Convert") has been continued to November 4, 2009. As such, an order on the Debtor's conversion will not be entered prior to the current objection deadline of October 31, 2009.

6. Wachovia needs additional time to file a complaint objecting to discharge or dischargeability. Currently, Wachovia will only have two days after the 2004 examination to file a complaint should one need to be filed. This will not allow Wachovia sufficient time to reconcile the documents and the information discovered at the 2004 examination. Furthermore, filing a complaint prior to a ruling on the Motion to Convert would not be prudent. Until the examination is concluded, all information analyzed and a ruling entered on the Motion to Convert, a discharge should not be granted.

WHEREFORE, Wachovia requests the Court to grant the relief herein and to award any further relief the Court deems proper.

WACHOVIA BANK, NATIONAL ASSOCIATION

By: /s/ Jeremy S. Williams
Counsel

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NOTICE OF MOTION

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the Court to grant the relief sought in the motion, you must do the following:

1. You must file with the court, at the address shown below, a written response pursuant to Local Bankruptcy Rules 9013-1 and 2004-1 *not later than ten business days after the date of service noted below*:

Clerk of the Court
United States Bankruptcy Court
701 East Broad Street, Room 3000
Richmond, Virginia 23219

2. You must also mail a copy to:

Loc Pfeiffer, Esquire
Jeremy S. Williams, Esquire
KUTAK ROCK LLP
1111 East Main Street, Suite 800
Richmond, Virginia 23219

3. No hearing has been set to consider the motion. If you object to the motion, you must file the objection timely with the Court. If a hearing is required, you must attend the hearing in addition to filing a written objection to the motion. If you fail to file timely a written response and to attend the hearing, the Court may consider any objection you may have waived and enter an Order granting the relief requested in the motion.

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on October 23, 2009, a true and correct copy of the foregoing was served by ECF to counsel for all necessary parties, including counsel for the Debtor and to the Trustee.

/s/ Jeremy S. Williams _____
Counsel